

APPENDIX F

2006 NPS Management Policies

Management Policies 2006

Abraham Lincoln Birthplace National Historical Park
Acadia National Park
Adams National Historical Park
African Burial Ground National Monument
Agate Fossil Beds National Monument
Alagnak River National Monument
Alibates Flint Quarries National Monument
Allegheny Portage Railroad National Historical Park
Amistad National Historical Park
Andersonville National Historic Site
Andrew Johnson National Historic Site
Aniakchak National Monument and Preserve
Antietam National Battlefield
Apostle Islands National Monument
Appalachian Trail National Monument
Appomattox Court House National Historical Park
Arches National Monument
Arkansas Post National Monument
Arlington House National Historical Park
Assateague Island National Monument
Aztec Ruins National Monument
Badlands National Monument
Bandelier National Monument
Bent's Old Fort National Monument
Bering Land Bridge National Monument
Big Bend National Park
Big Cypress National Preserve
Big Hole National Monument
Big South Fork River National Monument
Big Thicket National Preserve
Bighorn Canyon National Monument
Biscayne National Park
Black Canyon of the Gunnison National Monument
Blue Ridge Parkway National Parkway
Bluestone River National Monument
Booker T. Washington National Monument
Boston African American National Historic Site
Boston Harbor Islands National Monument
Brices Cross Roads National Battlefield
Brown v. Board of Education National Historic Site
Bryce Canyon National Monument
Buck Island Reef National Monument
Buffalo River National Monument
Cabrillo National Monument
Canaveral National Seashore
Cane River Creole National Historical Park
Canyon de Chelly National Monument
Canyonlands National Monument
Cape Cod National Seashore
Cape Hatteras National Seashore
Cape Krusenstern National Monument
Cape Lookout National Monument
Capitol Reef National Park
Capulin Volcano National Monument
Carl Sandburg Home National Historic Site
Carlsbad Caverns National Monument
Carter G. Woodson Home National Historic Site
Casa Grande Ruins National Monument
Castillo de San Marcos National Monument
Castle Clinton National Monument
Catcotin Mountain National Monument
Cedar Breaks National Monument
Cedar Creek & Belle Grove National Historical Park
Chaco Culture National Historical Park
Chamizal National Monument
Channel Islands National Monument
Charles Pinckney National Historic Site
Chattahoochee River National Recreation Area
Chesapeake and Ohio Canal National Historical Park
Chickamauga & Chattanooga National Military Park
Chickasaw National Monument
Chickadee National Monument
Christiansted National Historic Site
City of Rocks National Monument
Clara Barton National Historic Site
Colonial National Historical Park
Colorado National Monument
Congaree National Swamp
Constitution Gardens National Monument
Coronado National Monument
Cortez National Monument
Craters of the Moon National Monument and Preserve
Cumberland Gap National Historical Park
Cumberland Island National Monument
Curecanti National Monument
Cuyahoga Valley National Park
Cultural Resources National Monument
De Soto National Monument
Death Valley National Monument
Delaware River National Historical Park
Delaware Water Gap National Recreation Area
Denali National Park and Preserve
Devils Postpile National Monument
Dinosaur National Monument
Edison National Historic Site
Effigy Mounds National Monument
Eisenhower National Historic Site
El Morro National Monument
El Yunque National Forest
Everglades National Park
Federal Hall National Monument
Florissant Fossil Beds National Monument
Florissant National Monument
Flight 93 National Memorial
Florissant National Monument
Donelson National Historic Site
Fort Frederica National Monument
Fort Laramie National Historic Site
Fort Raleigh National Historic Site
Fort Scott National Monument
Fort Smith National Historic Site
Fort Washington National Monument
Fossil Butte National Monument
Franklin D. Roosevelt National Historic Site
Fredericksburg & Spotsylvania County Battlefields National Monument
General Grant National Historic Site
George Rogers Clark National Historical Park
George Washington Birthplace National Monument
George Washington Carver National Monument
George Washington National Monument
Golden Canyon National Monument
Golden Gate National Recreation Area
Golden Spike National Historical Park
Governors Island National Monument
Grand Canyon National Park
Grand Canyon-Parashant National Monument
Great Sand Dunes National Monument
Great Smoky Mountains National Park
Hagerman Fossil Beds National Monument
Haleakalā National Monument
Hamilton National Monument
Herbert Hoover National Historic Site
Hohokam Pima National Monument
Home of Franklin D. Roosevelt National Historic Site
Hopewell Furnace National Monument
Horseshoe Bend National Monument
Hot Springs National Monument
Isle Royale National Park
James A. Garfield National Historic Site
Jean Lafitte National Historical Park and Preserve
John D. Rockefeller Jr. Memorial Parkway
John F. Kennedy National Historic Site
John Muir National Historic Site
Joshua Tree National Park
Kalaupapa National Historical Monument
Kaloko Honokohau National Historical Park
Katmai National Monument and Preserve
Kenai Fjords National Monument
Kennesaw Mountain National Battlefield
Keweenaw National Historical Site
Kings Canyon National Park
Kings Mountain National Historical Park
Klondike Gold Rush National Historical Park
Knife River Indian Villages National Historic Site
Lake Clark National Monument and Preserve
Lake Meredith National Monument
Lake Roosevelt National Monument
Lassen Volcanic National Monument
Lewis & Clark National Historic Trail
Lewis & Clark Trail National Monument
Lincoln Boyhood National Monument
Lincoln Memorial National Monument
Little Bighorn Battlefield National Monument
Little Rock Central High School National Historic Site
Longfellow National Historic Site
Lowell National Historic Site
Lyndon B. Johnson National Historical Park
Lyndon Baines Johnson National Memorial
Maggie L. Walker National Historic Site
Mammoth Cave National Monument
Manassas National Battlefield
Manzanar National Historical Monument
Marsh Billings Rockefeller National Monument
Martin Luther King Jr. National Historic Site
Martin Van Buren National Historic Site
Mary McLeod Bethune Council House National Historic Site
Mesa Verde National Park
Minidoka Internment National Monument
Minute Man National Historical Park
Minuteman Missile National Historic Site
Mississippi River National Recreation Area
Missouri River National Monument
Mojave National Monument
Monocacy National Battlefield
Montezuma Castle National Monument
Moores Creek National Monument
Morristown National Historical Park
Mount Rainier National Park
Mount Rushmore National Memorial
Muir Woods National Monument
Natchez National Historical Park
Natchez Trace National Scenic Trail
National Capital Parks and Monuments
National Mall and Memorial Parks
NP of American Samoa
Natural Bridges National Monument
Navajo National Monument
New Bedford Whaling National Historical Park
New Orleans Jazz National Historic District
New River Gorge National Monument
New Perce National Monument
Nicodemus National Historic Site
Ninety Six National Monument
Niobrara River National Monument
North Cascades National Monument and Preserve
Obed River National Monument
Ocmulgee National Monument
Olympic National Park
Oregon Caves National Monument and Preserve
Organ Pipe Cactus National Monument
Ozark Riverways National Monument
Padre Island National Seashore
Palazzo Battlefield National Monument
Pea Ridge National Battlefield
Pecos National Historical Park
Pennsylvania Avenue National Historic Site
Perry's Victory National Monument
Petersburg National Battlefield
Petrified Forest National Monument
Petroglyph National Monument
Pictured Rocks National Lakeshore
Pinnacles National Monument
Pipe Spring National Monument
Pipestone National Monument
Piscataway National Monument
Point Reyes National Seashore
Potomac Heritage Trail National Monument
Poverty Point National Monument
Prince William Forest National Monument
Pu'uhonua o Hōnāunau National Monument
Puukohola Heiau National Historic Site
Rainbow Bridge National Monument
Redwood National and State Park
Richmond National Battlefield Park
Rio Grande River National Monument
Rock Creek National Monument
Rocky Mountain National Park
Roger Williams National Historic Site
Rosie the Riveter/World War II Home Front National Historical Park
Ross Lake National Monument
Russell Cave National Monument
Sagamore Hill National Historic Site
Saguaro National Monument
Saint Croix Island National Monument
Saint Croix Riverway National Monument
Saint Gaudens National Historic Site
Saint Paul's Church National Historic Site
Salem Maritime National Historic Site
Salinas Pueblo Missions National Monument
Salt River Bay National Monument
San Antonio Missions National Historical Park
San Francisco Maritime National Historical Park
San Juan National Monument
San Juan Island National Monument
Santa Monica Mountains National Recreation Area
Saratoga National Monument
Saugus Iron Works National Monument
Scotts Bluff National Monument
Sequoia National Park
Shenandoah National Park
Shiloh National Battlefield
Sitka National Historical Park
Sleeping Bear Dunes National Recreation Area
Springfield Armory National Historic Site
Statue of Liberty National Monument
Steamtown National Historic Site
Stones River National Battlefield
Sunset Crater Volcano National Monument
Tallgrass Prairie National Monument
Thaddeus Kosciuszko National Historic Site
Theodore Roosevelt National Monument
Theodore Roosevelt Birthplace National Monument
Theodore Roosevelt Inaugural National Historic Site
Theodore Roosevelt National Monument
Island Thomas Jefferson Memorial National Monument
Thomas Stone National Monument
Timpanogos Cave National Monument
Timucuan National Monument
Tonto National Monument
Tumacacori National Monument
Tupelo National Monument
Tuskegee Army Airfield National Monument
Tuskegee Institute National Historical Site
Tuzigoot National Monument
Ulysses S. Grant National Historic Site
Upper Delaware River National Monument
USS Arizona Memorial National Monument
Valley Forge National Historical Park
Vanderbilt Mansion National Historic Site
Vicksburg National Military Park
Vietnam Veterans Memorial National Monument
Virgin Islands National Park
Virgin Islands Coral Reef National Monument
Voyageurs National Park
Walnut Canyon National Monument
War in the Pacific National Historical Park
Washington Monument National Monument
Washita Battlefield National Monument
Weir Farm National Historic Site
Whiskeytown Unit National Monument
White House National Monument and Historic Site
White Sands National Monument
Whitman Mission National Historic Site
William Howard Taft National Historic Site
Wilson's Creek National Battlefield
Wind Cave National Monument
Wolf Trap National Monument
Women's Rights National Monument
World War II Memorial
Wrangell-St. Elias National Monument and Preserve
Wright Brothers National Monument
Wupatki National Monument
Yellowstone National Park
Yosemite National Park
Yucca House National Monument
Yukon-Charley Rivers National Preserve

accordance with NPS general regulations in 36 CFR 2.62 and applicable state laws. Authorization to scatter ashes must take into account potential conflicts with the spiritual or cultural practices of the indigenous people associated with the area.

(See *Stewardship of Human Remains and Burials* 5.3.4; *Cultural Resources* 6.3.8, *Consultation* 7.5.6)

8.6.11 Other Special Park Uses

Other special park uses that may be allowed under permit or special regulations include the use of explosives and the use of portable power equipment. Specific guidance is provided in 36 CFR Part 2; Director's Order #53: Special Park Uses; and Reference Manual 53.

8.7 Mineral Exploration and Development

Mineral exploration and development include exploration, extraction, production, storage, and transportation of minerals. Mineral exploration or development may be allowed in parks only when prospective operators demonstrate that they hold rights to valid mining claims, federal mineral leases, or nonfederally owned minerals. If this right is not clearly demonstrated, the National Park Service will inform the prospective operator that, until proof of a property right is documented, the Service will not further consider the proposed activity. Unless otherwise directed by Congress, if the Service determines that the proposed mineral development would impair park resources or values, or that such development is not consistent with park purposes or does not meet approval standards under applicable NPS regulations and cannot be sufficiently modified to meet those standards, the Service will seek to extinguish the associated mineral right through acquisition. In some parks, all or certain types of mineral development are specifically prohibited by law.

All persons who conduct mineral development within parks will do so only in conformance with applicable statutes, regulations, and NPS policies. These statutes include the Mining in the Parks Act, the Mineral Leasing Act, the Acquired Lands Mineral Leasing Act, the Surface Mining Control and Reclamation Act of 1977, the National Park System General Authorities Act, the Alaska National Interest Lands Conservation Act, and enabling statutes for individual parks. Applicable regulations include 36 CFR Part 9, Subpart A and Subpart B; 43 CFR Parts 3100-3500; and special use regulations.

Persons may not use or occupy surface lands in a park for purposes of removing minerals outside the park unless provided for in law. General management plans, land protection plans, and other planning documents for parks with mining claims, federal mineral leases, or nonfederally owned mineral interests will address these nonfederal property interests as appropriate. Lands with mineral interests will be zoned according to their anticipated management and use—based on their resource values, park management objectives, and park-specific legislative provisions relating to mineral interests.

(See *Levels of Park Planning* 2.3; *Land Protection Plans* 3.3; *Identification and Designation of the Wilderness Resource* 6.2; *Mineral Development* 6.4.9)

8.7.1 Mining Claims

The location of new mining claims pursuant to the General Mining Act of 1872 is prohibited in all park areas. Under the Mining in the Parks Act, the National Park Service may permit mineral development only on existing patented and valid unpatented mining claims in conformance with the park's enabling legislation and the regulations for mining claims in 36 CFR Part 9, Subpart A. The Service may initiate a validity examination on unpatented mining claims at any time. The Service will require a validity examination of all unpatented mining claims before approving any operations on such claims in accordance with 36 CFR Part 9, Subpart A. However, a validity examination is not required before NPS authorization of activities that are conducted only to reclaim a site. All mineral development and use of resources in connection with a claim will be confined to the boundaries of the claim itself, except for the access and transport that are permitted under 36 CFR Part 9, Subpart A; or, for Alaska, 43 CFR Part 36.

8.7.2 Federal Mineral Leases

All parks are closed to new federal mineral leasing except for three national recreation areas (Lake Mead, Whiskeytown, and Glen Canyon) where Congress has explicitly authorized federal mineral leasing in each area's enabling legislation. Through park planning documents, the National Park Service has closed portions of these areas to federal mineral leasing because of the presence of sensitive resources. No person may explore for federal minerals in any of these areas except under a lease issued pursuant to regulations in 43 CFR Part 3100 or a prospecting permit pursuant to 43 CFR 3500. Before consenting to a federal mineral lease or subsequent mineral development connected with a lease, the regional director must find, in writing, that leasing and subsequent mineral development will not result in a significant adverse effect on park resources or administration.

Some park areas contain leases that existed at the time the park was created or expanded. These leases are valid existing rights and will continue to exist until they expire under the regulations that govern federal mineral leasing (43 CFR Parts 3100 and 3500).

8.7.3 Nonfederally Owned Minerals

Nonfederal mineral interests in park units consist of oil and gas interests, rights to mineral interests other than oil and gas (such as private outstanding mineral rights, mineral rights through general land grant patents, homestead patents, or other private mineral rights that did not derive from the General Mining Act). The Park Service governs activities associated with these two categories of nonfederal mineral rights under separate regulatory schemes.

The Park Service may approve operations associated with nonfederal oil and gas interests under the standards and procedures in 36 CFR Part 9, Subpart B. If an operator's plan

fails to meet the approved standards of these regulations, the Park Service generally has authority to deny the operation and may initiate acquisition. Absent a decision to acquire the property, application of the regulations is not intended to result in a taking of the property interest, but rather to impose reasonable regulation of the activity.

Operations associated with nonfederal mineral interests, other than oil and gas, are subject to the requirements of 36 CFR Part 5, “Commercial and Private Operations,” and 36 CFR 1.6.

The Service must determine that operations associated with these mineral interests would not adversely impact “public health and safety, environmental or scenic values, natural or cultural resources, scientific research, implementation or management responsibilities, proper allocation and use of facilities, or the avoidance of conflict among visitor use activities” If the impacts from the operation on the resource cannot be sufficiently mitigated to meet this standard, the Park Service may seek to acquire the mineral interest.

8.8 Collecting Natural Products

The collection of natural products for personal use or consumption is governed by NPS general regulations contained in 36 CFR 2.1 and 36 CFR Part 13. A superintendent may designate certain fruits, berries, nuts, or unoccupied seashells that can be gathered by hand for personal use or consumption upon a written determination by the superintendent that such an activity will not adversely affect park wildlife or the reproductive potential of a plant species or otherwise adversely affect park resources. In some cases, peer-reviewed scientific information may be needed to support the determination. The regulations do not authorize the taking, use, or possession of fish, wildlife, or plants for ceremonial or religious purposes, except where specifically authorized by federal statute or treaty rights or where hunting, trapping, or fishing are otherwise allowed. The collection of minerals or rocks for personal use will be allowed only when specifically authorized by federal law or treaty rights.

The gathering of firewood will be allowed only where subsistence use is authorized by federal law, or in specific areas designated by a superintendent in which dead and down wood may be collected for campfires or in small quantities for other uses within the park. Natural resource products that accumulate as a result of site clearing for development, hazard tree removal, vista clearing, or other management actions will be recycled through the ecosystem when practicable. When recycling is not practicable, the products may be disposed of by other means. Disposal may be accomplished by contract, if the result of the work done under contract and the value are calculated in the contract cost, or by sale at fair market value in accordance with applicable laws and regulations. Wood that accumulates as a result of the management actions described above may also

be used for park purposes, such as heating public buildings or offices or for interpretive campfire programs.

(See Consumptive Uses 8.9, Natural and Cultural Studies, Research, and Collection Activities 8.10. Also see Director’s Order #18: Wildland Fire Management)

8.9 Consumptive Uses

Consumptive uses of park resources may be allowed only when they are

- ◆ specifically authorized by federal law or treaty rights (such as hunting, trapping, or mining, or subsistence use in specifically identified parks);
- ◆ specifically authorized pursuant to other existing rights (such as a right retained by a donor of the land on which the use would occur);
- ◆ grazing activities authorized in accordance with section 8.6.8.1; or
- ◆ traditional visitor activities, such as fishing or berry picking, that are authorized in accordance with NPS general regulations.

As a matter of policy, the Service generally supports the limited and controlled consumption of natural resources for traditional religious and ceremonial purposes and is moving toward a goal of greater access and accommodation. As a general matter, a superintendent may not allow consumptive use of park resources by any particular group to the exclusion of others.

Current NPS policy is reflected in regulations published at 36 CFR Part 13. The general regulations at 36 CFR 2.1 allow superintendents to designate certain fruits, berries, nuts, or unoccupied seashells that may be gathered by hand for personal use or consumption if it will not adversely affect park wildlife, the reproductive potential of a plant species, or otherwise adversely affect park resources. The regulations do not authorize the taking, use, or possession of fish, wildlife, or plants for ceremonial or religious purposes, except where specifically authorized by federal statute or treaty rights or where hunting, trapping, or fishing are otherwise allowed.

The 36 CFR Part 13 regulations address the consumptive use of park resources for subsistence purposes in Alaska, where it is allowed in the 10 parks and “expanded areas” established by the Alaska National Interest Lands Conservation Act. Some park-specific enabling acts (e.g., Big Cypress National Preserve and Kaloko-Honokohau National Historical Park) also allow subsistence or other traditional uses of park resources.

(See Park Management 1.4; Harvest of Plants and Animals by the Public 4.4.3; Resource Issue Interpretation and Education 7.5.3; General 8.; Use by American Indians and Other Traditionally Associated Groups 8.5. Also see 36 CFR Part 13, Subpart B)